



SYNOPSIS

House Bills and Joint Resolutions 2013 Maryland General Assembly Session

**February 4, 2013
Schedule 16**

PLEASE NOTE: February 8 – Bill introduction deadline.

All bills must be given to the Chief Clerk by 5:00 P.M. on Thursday, February 7.

As required by House Rule 32(b), bills introduced after this date will be referred to the House Rules and Executive Nominations Committee.

HOUSE BILL INTRODUCED FEBRUARY 1, 2013

HB 686 Delegate Szeliga, et al

**PROFESSIONAL BOARDS SPECIAL FUNDS – TRANSFER OF FUNDS
– THREE-FIFTHS COMMITTEE VOTE**

Providing that no part of a professional fund established to receive specified payments from members of a profession and dedicated for use in the regulation or activities of the profession may be transferred to the General Fund unless approved and enacted into law by a three-fifths majority of each standing committee assigned the legislation and of the standing committee that customarily has jurisdiction over the profession; defining “professional fund”; etc.

EFFECTIVE OCTOBER 1, 2013

SG, § 2-1106 - added

Assigned to: Appropriations

Department of Legislative Services

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Baltimore Area: 410-946-5400 — Washington Area: 301-970-5400

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HOUSE BILLS INTRODUCED FEBRUARY 4, 2013**HB 687 Delegate Dumais, et al****COMMISSION ON CHILD CUSTODY DECISION MAKING**

Establishing the Commission on Child Custody Decision Making; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving compensation but authorizing specified reimbursement; requiring the Commission to perform specified duties; requiring the Commission to submit specified reports to the Governor and the General Assembly on or before specified dates; etc.

EFFECTIVE JULY 1, 2013

Assigned to: Judiciary

HB 688 Delegate Stukes, et al**CRIMINAL LAW – ASSAULT AGAINST A TRANSIT VEHICLE OPERATOR**

Establishing the crime of assault against a person operating a specified transit vehicle as the felony of assault in the second degree; etc.

EFFECTIVE OCTOBER 1, 2013

CR, § 3-201(e) - added and § 3-203 - amended

Assigned to: Judiciary

HB 689 Delegate Valentino–Smith, et al**INCOME TAX CREDIT – UNEMPLOYED VETERANS – START-UP BUSINESS**

Allowing a qualified unemployed veteran a credit of up to \$2,000 against the State income tax for expenses associated with starting a business during the taxable year; requiring the business to meet specified qualifications; requiring the Comptroller to adopt regulations and provide an annual report; defining “qualified veteran” and “qualified expenses”; applying the Act to taxable years beginning after December 31, 2013; etc.

EFFECTIVE JULY 1, 2013

TG, § 10-733 - added

Assigned to: Ways and Means

HB 690 Delegate Pena–Melnyk, et al**VIRGINIA I. JONES ALZHEIMER’S DISEASE AND RELATED DISORDERS COUNCIL**

Establishing the Virginia I. Jones Alzheimer’s Disease and Related Disorders Council; providing for the membership of the Council; requiring the Secretary of Health and Mental Hygiene and the Secretary of Aging to cochair the Council; requiring the Department of Health and Mental Hygiene to provide staff support for the Council; authorizing the Department to request specified staffing assistance; providing for the duties of the Council; etc.

EFFECTIVE OCTOBER 1, 2013

HG, §§ 13-3101 through 13-3106 - added

Assigned to: Health and Government Operations

HB 691 Delegates Serafini and F. Turner**INCOME TAX – FLAT TAX**

Altering the State income tax rate to 4.75% on all taxable income of individuals; and applying the Act to taxable years beginning after December 31, 2013.

EFFECTIVE JULY 1, 2013

TG, § 10-105 - amended

Assigned to: Ways and Means

HB 692 Delegate Cane, et al**CREATION OF A STATE DEBT – DORCHESTER COUNTY – CHESAPEAKE GROVE SENIOR HOUSING AND INTERGENERATIONAL CENTER**

Authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Directors of Delmarva Community Services, Inc. for the planning, design, and construction of the Chesapeake Grove Senior Housing and Intergenerational Center, located in Cambridge; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; etc.

EFFECTIVE JUNE 1, 2013

Assigned to: Appropriations

HB 693 Delegate Conway**VEHICLE LAWS – SEAT BELTS AND CHILD SAFETY SEATS**

Repealing a specified duplicative provision relating to the use of child safety seats and seat belts for children under 16 years old.

EFFECTIVE OCTOBER 1, 2013

TR, § 22-412.3(b) - amended

Assigned to: Environmental Matters

HB 694 Delegate Krebs, et al**ENVIRONMENT – STORMWATER MANAGEMENT – EXEMPTION FROM WATERSHED PROTECTION AND RESTORATION PROGRAM**

Exempting a county or municipality that maintains adequate program funding to support infrastructure and programs required under a specified permit from the requirement to adopt a watershed protection and restoration program under specified circumstances; and requiring the Department of the Environment to make a specified determination and provide specified notice under specified circumstances.

EFFECTIVE JULY 1, 2013

EN, § 4-202.1(a) - amended

Assigned to: Environmental Matters

HB 695 Delegate Rudolph**HOMEOWNER'S INSURANCE – ANTI-CONCURRENT CAUSATION CLAUSE – PROHIBITED**

Prohibiting an insurer from issuing a policy of homeowner's insurance in the State that contains an anti-concurrent causation clause.

EFFECTIVE OCTOBER 1, 2013

IN, § 19-215 - added

Assigned to: Economic Matters

HB 696 Delegate Gaines, et al**CREATION OF A STATE DEBT – PRINCE GEORGE’S COUNTY –
BERWYN HEIGHTS TOWN ADMINISTRATION BUILDING AND
SENIOR CENTER POWER IMPROVEMENTS**

Authorizing the creation of a State Debt not to exceed \$80,000, the proceeds to be used as a grant to the Mayor and Town Council of Berwyn Heights for the capital equipping of the Berwyn Heights Town Administration Building and the Senior Center by the acquisition of emergency generators for those buildings, located in Berwyn Heights; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; etc.

EFFECTIVE JUNE 1, 2013

Assigned to: Appropriations

HB 697 Delegate Dumais**COURTS AND JUDICIAL PROCEEDINGS – MARYLAND MEDIATION
CONFIDENTIALITY ACT – APPLICABILITY**

Altering the scope of the Maryland Mediation Confidentiality Act.

EFFECTIVE OCTOBER 1, 2013

CJ, § 3-1802 - amended

Assigned to: Judiciary

HB 698 Delegate Pena–Melnik, et al**EX–OFFENDER BUSINESS DEVELOPMENT PROGRAM STUDY**

Requiring the Department of Business and Economic Development, the Department of Labor, Licensing, and Regulation, and the Department of Public Safety and Correctional Services jointly to study and evaluate the feasibility of establishing a business development program for ex–offenders and to identify funding sources for specified purposes; and requiring the Departments jointly to report their findings to specified committees of the General Assembly on or before October 1, 2014.

EFFECTIVE OCTOBER 1, 2013

Assigned to: Judiciary

HB 699 Delegate Waldstreicher, et al**CRIMES – SOLICITATION TO COMMIT MURDER OR ARSON – STATUTE OF LIMITATIONS**

Providing that the statute of limitations for the crime of solicitation to commit murder in the first degree, murder in the second degree, or arson in the first degree, or arson in the second degree is the statute of limitations for the prosecution of the substantive crime that is the subject of the solicitation.

EFFECTIVE OCTOBER 1, 2013

CJ, § 5-106(dd) - added

Assigned to: Judiciary

HB 700 Delegate Stukes, et al**CRIMINAL LAW – ASSAULT AGAINST A TRANSIT VEHICLE PASSENGER**

Establishing the crime of assault against a passenger on a specified transit vehicle as the felony of assault in the second degree; etc.

EFFECTIVE OCTOBER 1, 2013

CR, § 3-201(e) - added and § 3-203 - amended

Assigned to: Judiciary

HB 701 Delegate Barkley**ALCOHOLIC BEVERAGES – REPEAL OF OBSOLETE PROVISIONS OF LAW**

Repealing specified obsolete provisions of the State alcoholic beverages law, including the repeal of a requirement that the Comptroller prescribe specified maximum discounts that may be allowed by specified persons, the repeal of a requirement that the Comptroller require the filing of specified schedules of prices, the repeal of a requirement that specified persons in Baltimore City be certified by an approved alcohol awareness program, and the repeal of specified bonding requirements in Garrett County; etc.

EFFECTIVE JULY 1, 2013

Art. 2B, §§ 1-102(a)(25), 12-103, 13-101(c)(4), and 14-101(b) - repealed

Assigned to: Economic Matters

HB 702 Delegate Feldman**CORPORATIONS AND ASSOCIATIONS – DOCUMENT FILING AND PROCESSING**

Altering the definition of “electronic transmission”, for purposes of provisions of law governing business entities, to clarify that it includes electronic mail, facsimile transmission, and Internet transmission; clarifying the authority of the State Department of Assessments and Taxation to accept documents that are filed for record by electronic transmission; authorizing the Department to accept documents for preclearance; etc.

EFFECTIVE OCTOBER 1, 2013

CA, §§ 1-101, 1-201, 1-203, 1-203.2, and 1-208 - amended

Assigned to: Economic Matters

HB 703 Delegates Schuh and McConkey**ANNE ARUNDEL COUNTY – BOARD OF EDUCATION – SELECTION OF MEMBERS**

Requiring that specified members of the Anne Arundel County Board of Education be elected at specified elections; requiring that specified members of the county board be appointed; providing for the residency, the terms of office, and the filling of a vacancy of specified members of the county board; authorizing the Anne Arundel County Board of Elections to adopt specified regulations; etc.

EFFECTIVE JULY 1, 2013

ED, §§ 3-108(a), 3-110, and 3-114 - amended and § 3-2A-01 - added

Assigned to: Ways and Means

HB 704 Delegate Haddaway–Riccio**ALCOHOLIC BEVERAGES – MICRO–BREWERIES – ANNUAL PRODUCTION LIMIT**

Increasing to 60,000 the limit on the number of barrels of malt beverages that a micro–brewery may collectively brew, bottle, or contract for in a calendar year.

EFFECTIVE JULY 1, 2013

Art. 2B, § 2-208(c)(1) - amended

Assigned to: Economic Matters

HB 705 Delegate Rudolph**CREATION OF A STATE DEBT – CECIL COUNTY – BOYS & GIRLS CLUB OF CECIL COUNTY NORTHEAST RENOVATION PROJECT**

Authorizing the creation of a State Debt not to exceed \$50,000, the proceeds to be used as a grant to the Board of Directors of the Boys & Girls Club of Cecil County, Maryland, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Boys & Girls Club of Cecil County Northeast facility, located in Elkton; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; etc.

EFFECTIVE JUNE 1, 2013

Assigned to: Appropriations

HB 706 Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**NATURAL RESOURCES – FOREST PRESERVATION ACT OF 2013**

Expanding the purpose and authorized uses of the Reforestation Fund to include tree planting on private land and financing the prevention of and response to forest health emergencies; defining the term “no net loss of forest”; altering the range of acres of land that a person is required to own or lease to be eligible for a specified income tax subtraction modification; exempting specified stream restoration projects from the requirements of the Forest Conservation Act; altering specified prohibitions against setting specified fires; etc.

EFFECTIVE OCTOBER 1, 2013

LU, §§ 1-408 and 3-104 - amended, NR, Various Sections - amended, added, and repealed, and TG, § 10-208(i) - amended

Assigned to: Environmental Matters

HB 707 Delegate McConkey, et al**STATE GOVERNMENT – COMMEMORATIVE DAY – YOUNG HEROES DAY**

Requiring the Governor annually to proclaim the first Monday of October to be Young Heroes Day, in recognition of positive contributions that minors have made to society.

EFFECTIVE OCTOBER 1, 2013

SG, § 13-411 - added

Assigned to: Health and Government Operations

HB 708 Delegate McIntosh, et al**NATURAL RESOURCES – NUISANCE ORGANISMS – PENALTIES**

Creating a separate criminal offense for each nuisance organism imported or possessed in violation of specified provisions of law or regulation; and authorizing a judge to award a monetary reward to a person who provides information leading to a conviction under the Act, under specified circumstances.

EFFECTIVE JUNE 1, 2013

NR, § 4-205.1(i) - amended

Assigned to: Environmental Matters

HB 709 Delegate McDermott, et al**CRIMINAL LAW – ACCESSORY AFTER THE FACT – MURDER**

Increasing the maximum penalty for being an accessory after the fact to murder in the first degree from 5 years to 20 years; increasing the maximum penalty for being an accessory after the fact to murder in the second degree from 5 years to 10 years; etc.

EFFECTIVE OCTOBER 1, 2013

CR, § 1-301 - amended

Assigned to: Judiciary

HB 710 Delegate B. Robinson, et al**CREATION OF A STATE DEBT – BALTIMORE CITY – LEARN'IN TO LIVE AGAIN PROJECT**

Authorizing the creation of a State Debt not to exceed \$105,000, the proceeds to be used as a grant to the Board of Directors of Learn'In to Live Again, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Learn'In to Live Again facility, located in Baltimore City; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; etc.

EFFECTIVE JUNE 1, 2013

Assigned to: Appropriations

HB 711 Delegate Dumais, et al**JUVENILE LAW – PROHIBITION AGAINST CONTINUED DETENTION**

Prohibiting the continued detention, beyond emergency detention, of a child under the age of 14, unless the child is alleged to have committed an act that, if committed by an adult, would be punishable by death or life imprisonment.

EFFECTIVE OCTOBER 1, 2013

CJ, § 3-8A-15 - amended

Assigned to: Judiciary

HB 712 Delegate B. Robinson, et al**HEALTH OCCUPATIONS BOARDS – CRIMINAL HISTORY RECORDS CHECKS – GENERAL AUTHORITY**

Authorizing a health occupation board to adopt regulations requiring applicants for an initial license or certificate to have a criminal history records check; authorizing a health occupation board to adopt regulations requiring applicants for reinstatement of a lapsed license or certificate, removal from inactive status, or renewal of a license or certificate to have a criminal history records check; requiring an applicant to submit specified fingerprints and fees to obtain a criminal history records check; etc.

EFFECTIVE OCTOBER 1, 2013

HO, § 1-220 - added

Assigned to: Health and Government Operations

HB 713 Delegate Dumais, et al**CRIMINAL PROCEDURE – SEIZURE AND FORFEITURE – PROPERTY USED IN HUMAN TRAFFICKING**

Authorizing a State or local law enforcement agency, on process issued by a court of competent jurisdiction, to seize specified property used or intended for use in connection with a violation of specified criminal statutes relating to human trafficking; creating an Anti-Human-Trafficking Fund to be administered by the Executive Director of the Governor's Office of Crime Control and Prevention; specifying the revenue sources for the Fund; providing for disbursements from the Fund for specified purposes; etc.

EFFECTIVE OCTOBER 1, 2013

CP, §§ 11-920 and 13-501 through 13-536 - added

Assigned to: Judiciary

HB 714 Delegate Conaway, et al**CREATION OF A STATE DEBT – BALTIMORE CITY – AIDS INTERFAITH RESIDENTIAL SERVICES PROGRAM**

Authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Directors of AIDS Interfaith Residential Services, Inc. for the acquisition, planning, and design of the AIDS Interfaith Residential Services office building, located in Baltimore City; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; etc.

EFFECTIVE JUNE 1, 2013

Assigned to: Appropriations

HB 715 Delegate Dumais, et al**FAMILY LAW – DENIAL OF PATERNITY, CUSTODY, AND VISITATION**

Excluding as a father of a child a man who has committed a specified sexual crime against the child's mother for purposes of specified provisions relating to the paternity of a child in a guardianship or adoption proceeding under specified circumstances; requiring a court to consider a specified statement when making a specified finding; prohibiting a court from requiring publication of specified information under specified circumstances; etc.

EFFECTIVE OCTOBER 1, 2013

FL, §§ 5-306, 5-3A-06, 5-3B-05, and 9-101.2 - amended

Assigned to: Judiciary

HB 716 Delegate Tarrant, et al**DRUG THERAPY MANAGEMENT – PHYSICIAN-PHARMACIST AGREEMENTS**

Repealing specified provisions of law requiring specified physician-pharmacist agreements to be approved by the State Board of Pharmacy and the State Board of Physicians; requiring, in a group model health maintenance organization, a licensed physician who has entered into a physician-pharmacist agreement to provide drug therapy management to submit a copy of the agreement, modifications to the agreement, and protocols to the State Board of Physicians; etc.

EFFECTIVE OCTOBER 1, 2013

HG, § 19-713.6 - amended

Assigned to: Health and Government Operations

HB 717 Delegate Hubbard**HEALTH OCCUPATIONS – KINESIOTHERAPY – STUDY**

Requiring the State Board of Physicians, in cooperation with the State Board of Chiropractic and Massage Therapy Examiners, the State Board of Occupational Therapy Practice, the State Board of Physical Therapy Examiners, the State Department of Veterans Affairs, and other stakeholders, to study the practice of kinesiotherapy and make recommendations regarding the licensure and regulation of kinesiotherapy in the State and report to specified committees of the General Assembly on or before December 1, 2013; etc.

EFFECTIVE JULY 1, 2013

Assigned to: Health and Government Operations

HB 718 Delegate Serafini**STATE RETIREMENT AND PENSION SYSTEM – SERVICE CREDIT FOR UNUSED SICK LEAVE**

Making specified members of the State Retirement and Pension System eligible to receive creditable service at retirement for unused sick leave accumulated in a former system in the State Retirement and Pension System under specified circumstances; providing for the computation of the creditable service for unused sick leave accumulated in the former State system; and requiring the Department of Legislative Services to provide a specified report to the Joint Committee on Pensions on or before December 1, 2013.

EFFECTIVE JULY 1, 2013

SP, § 20-206 - amended

Assigned to: Appropriations

HB 719 Delegate McDermott, et al**CRIMINAL LAW – FALSE STATEMENT CONCERNING DESTRUCTIVE DEVICE OR TOXIC MATERIAL – VENUE**

Adding an additional venue in which a person may be prosecuted for a false statement concerning a destructive device or toxic material.

EFFECTIVE OCTOBER 1, 2013

CR, § 9-504(d) - amended

Assigned to: Judiciary

HB 720 Washington County Delegation**WASHINGTON COUNTY – SALARY STUDY COMMISSION –
UPDATING SALARY PROVISIONS – MEMBERSHIP**

Updating specified provisions concerning the salaries of the members of the Board of License Commissioners, the Treasurer, the members of the Board of Education, and the Orphans' Court judges in Washington County to conform to provisions regarding the setting of the salaries under a specified law; and altering the membership of the Washington County Salary Study Commission.

EFFECTIVE OCTOBER 1, 2013

Art. 2B, § 15-109(w), Art. 24, § 12-203(b), Art. 25, § 51(q), ED, § 3-1302, and ET, § 2-108(v)(1) - amended

Assigned to: Environmental Matters

HB 721 Delegate Cardin**VEHICLE LAWS – EXCISE TAX EXEMPTIONS – LEASED VEHICLES**

Exempting specified leased vehicles from the excise tax imposed on the issuance of a certificate of title.

EFFECTIVE OCTOBER 1, 2013

TR, § 13-810(a) - amended

Assigned to: Ways and Means

HB 722 Delegate Afzali, et al**ESTATE TAXES – QUALIFIED FAMILY-OWNED BUSINESS
PROPERTY – EXCLUSION**

Altering the determination of the Maryland estate tax under specified circumstances to exclude from the value of the gross estate \$5,000,000 of the value of qualified family-owned business property; providing that the Maryland estate tax imposed on qualified family-owned business property may not exceed 5% of the value of specified family-owned business property exceeding \$5,000,000; providing for the recapture of specified Maryland estate tax under specified circumstances; etc.

EFFECTIVE JULY 1, 2013

TG, § 7-309(b) - amended and § 7-309(d) - added

Assigned to: Ways and Means

HB 723 Delegate Tarrant, et al**HEALTH OCCUPATIONS – PHYSICIAN ASSISTANTS – AUTHORITY TO PRACTICE**

Authorizing a physician assistant to complete a specified certificate that an individual of a specified age is pregnant or has given birth to a child; authorizing a physician assistant to provide specified information on a certificate of birth under specified circumstances; authorizing a physician assistant to fill out and sign a certificate of death under specified circumstances; authorizing a physician assistant to file a replacement death certificate under specified circumstances; etc.

EFFECTIVE OCTOBER 1, 2013

FL, § 2-301 and TR, Various Sections - amended and HG, Various Sections - added and amended

Assigned to: Health and Government Operations

HB 724 Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)**INSURANCE – RISK BASED CAPITAL STANDARDS – FRATERNAL BENEFIT SOCIETIES AND LIFE INSURERS**

Requiring that a fraternal benefit society's risk based capital be determined in accordance with a specified formula set forth in specified instructions; altering the circumstances under which a company action level event occurs in the case of a life insurer; establishing the circumstances under which a company action level event occurs for a fraternal benefit society; etc.

EFFECTIVE OCTOBER 1, 2013

IN, § 4-301(f-1) - added and §§ 4-301(k), 4-304, 4-305(a), 4-308, and 8-403 - amended

Assigned to: Health and Government Operations

HB 725 Delegate McMillan, et al**VEHICLE LAWS – TITLE AND REGISTRATION – TRANSFER TO SURVIVING SPOUSE**

Establishing that when the interest in a vehicle of one joint owner passes to another joint owner who is the surviving spouse, the surviving spouse is not required to apply for a new certificate of title or submit a specified certificate of title to the Motor Vehicle Administration until a specified time; authorizing a surviving spouse to drive a vehicle and allow the vehicle to be driven on a highway until a specified time without applying for a registration; etc.

EFFECTIVE OCTOBER 1, 2013

TR, §§ 13-114, 13-504, 13-801, and 13-802 - amended

Assigned to: Environmental Matters

HB 726 Delegate V. Turner, et al**ECONOMIC DEVELOPMENT – SICKLE CELL DISEASE RESEARCH PROGRAM**

Establishing the Sickle Cell Disease Research Program to be administered by the Maryland Technology Development Corporation to provide grants for sickle cell disease research projects; establishing the purposes of the Program; establishing specified types of grants to be awarded under the Program; establishing the Sickle Cell Disease Research Fund; providing for the purposes and composition of the Fund; etc.

EFFECTIVE OCTOBER 1, 2013

EC, §§ 10-463 through 10-468 - added and SF, § 6-226(a)(2)(ii)69. and 70. - amended and § 6-226(a)(2)(ii)71. - added

Assigned to: Health and Government Operations